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11 February 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Session with William G. Miller, Staff Director,
Senate Select Committee, on 10 February 1975,
Room 252 Old Senate Office Building

1. The conversation opened with Mr. Miller noting the extremely difficult job of organizing for the Senate Select Committee activities. He reported fair success in finding what he terms "excellent staff" including "people who had been employed in intelligence and at CIA". He offered no names, and I did not press him. He noted that the press, particularly the Novak article, bothered him somewhat, and he appeared to be a little nervous about press criticisms.

2. Noting that the Committee's work will always be a target for the press, I suggested that it was important at the outset to set some very solid security groundrules. I explained that in anticipation of these requirements, the United States Intelligence Board Security Committee had been asked to provide Mr. Colby with suggested guidelines that could be passed along to Chairman Church for his consideration. They were also asked to develop a secrecy agreement which might be helpful to the Chairman in getting security commitments from Committee Staff and research elements engaged in the investigation. Two copies of these guidelines and the agreement were provided to Mr. Miller and he was advised that both have the endorsement of all U.S. intelligence agencies of USIB - State, DIA, Army, Navy, Air Force, CIA, FBI, NSA, Treasury, AEC, and also the Department of Justice. I explained that the Community placed great store in assuring protection of its secrets.

3. Miller read through the guidelines stating that he thought these were reasonable. He advised that they had had good assistance from Doar and that they were planning to use the same research and security arrangements and people employed in the impeachment proceedings. He advised he had been in touch with the architect and that the Staff would be located in the same room as that used during the Watergate reviews. He also

advised that the FBI would do the full field investigations. I asked whether he planned to have a security officer appointed for the Committee. He responded that they did intend to appoint one member of the staff to this task. I then noted the concern we shared that security be faultless and commented on the value of a secrecy agreement. I also gave him a copy of the court's recent findings in the Marchetti case and pointed out that these have direct relevance to the usefulness of a secrecy agreement. Miller noted that he appreciated the Community's concern over leaks but observed that most leaks were not from Staff but from White House or Congressional members and were of a political nature. I observed that we had had good security with the Congress but pointed out that the scope of the Committee's mandate and the number of staff employees likely to be involved suggested that signed secrecy agreements were in order. I pointed out that the secrecy agreement had no terminal point and provided a court-supported binder on the treatment of classified information acquired in the course of the hearings by the personnel involved. I noted that adoption of a secrecy agreement would provide a strong indication of the seriousness with which he and the Chairman approached the security issues. (I admit that this was pressuring very hard, but in my judgment the time was propitious.)

4. In response, Miller stated that he would give serious thought to this, discuss it with the Chairman, and try to be as responsive as possible. He did not exude great enthusiasm, however, but did observe that he did not want to find the Committee in a situation where executive privilege and Supreme Court litigation became involved. I agreed that these issues were not constructive and should be able to be avoided with reasonable security groundrules. I noted that obviously there are Constitutional issues in matters of the kind being reviewed. He stated that he was particularly sensitive to these and wanted to work in recognition of executive prerogatives, too. He admitted candidly that he hadn't found all the answers to this yet. He observed that there were some members on the Committee who would want to pursue situations such as those surrounding the Huston Plan where perhaps confrontation may occur. But he expressed the hope that the fundamental focus of the Committee would be to find ways to strengthen the legislation and the role of Congress in its oversight responsibility without undue intrusion upon Executive responsibility. He observed that he would need all the help he could get on this point and hoped that his relationships with the Community would permit a fairly candid exchange. He stated that the Chairman would welcome suggestions from the Director for any improvement in the law, the Intelligence Community structure, or arrangements for more involved Congressional oversight.

5. I asked how he intended to proceed. He observed that the Committee members needed some basic indoctrination on the intelligence process. I took the opportunity to outline for him some of the work we had been doing to prepare a set of annexes for use by the Director in response to anticipated Committee interests and which appeared to us to be useful in direct response to the mandate of the resolution. I went down this list with him and asked that he advise me if these or other areas would be useful to him. I showed him the annex on the "Purpose of Intelligence" as illustrative. He concluded that these documents would indeed be helpful and urged that we proceed to complete them. I then inquired about his plans with respect to witnesses. He said that he had not yet developed a list but felt certain the Chairman would want to have Mr. Colby as a start-off witness. He volunteered that Mr. Colby should address the total mandate of the Committee from his role as overseer and leader of the Intelligence Community placing secondary focus on CIA domestic activities. He noted that he had read the Director's testimony before the Senate Appropriations Committee and that this should be filed as a matter of record when the Director appeared. I explained that this was pretty much the course we had hoped to take and that Mr. Colby was anxious to be as forthcoming as possible. I advised that there were specific matters which, under the Director's legal mandate to protect sources and methods, would not be presented. I cited agent names as an example. Miller responded in agreement and stated that he could not conceive how the mandate of the Committee would require access to particulars of operations or of technical systems used to collect information. He volunteered that if such were the case, special arrangements with the Chairman would seem to be a reasonable course to take.

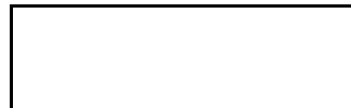
6. I inquired as to how he was proceeding in his background research. He reported that he had read the legislative history of the National Security Act of 1947 and was going further into it. He suggested the Director may get questions on that subject when he appears. He advised that any annex which provided him some fairly straightforward information on the Community, its mission and function would be helpful. He noted that there had been a great number of studies made of intelligence and that he intended to have the staff look these over. I indicated we had given thought to developing an annex on this subject, simply referencing the studies with a general description of their content. He said such an annex would be helpful.

7. I advised we had had one inquiry from the Library of Congress for an unclassified organization chart. I asked whether the personal staffs of the members were to be used as well as those selected for the Senate Select Committee. Miller assured me that all personnel with responsibility for Select Committee work would be employed by the Committee. He noted that various members had wanted to include their personal staff and some of these people will be seconded to the Committee. He observed that he may need to have more funds as the Chairman has promised all members sufficient staff to pursue their particular interest. He stated, however, that these would all be subject to his direction as Staff Director.

8. I explained to him my role in serving Mr. Colby. I noted that Mr. Latimer was fulfilling a similar role for Mr. Schlesinger. He understood the Director's responsibility over the Community and stated that he hoped he could use the Community Staff's good offices to point him in the direction needed or to assemble the necessary data for the Committee from Community members. I agreed we would do what we could but that each department had its particular and peculiar problems on which the Committee would probably want to deal directly with the Department. This will be particularly true when the investigation reaches outside the context of the United States Intelligence Board.

9. On departing, I reinforced the seriousness with which Mr. Colby and the Community were taking the Senate Committee's mandate. He observed that there was clearly a need for legislative review of intelligence activities, a strengthening of legislative oversight, and a clarification and sharpening of the law. He noted he was particularly sensitive to the President's charge as Commander-in-Chief and leader of foreign affairs and the need for secrecy in these matters. He hoped that somehow through these hearings a rationalization between the need for that secrecy and keeping the Congress informed could be found in due consideration of the changes that have occurred since World War II and the general demand for more openness in our society.

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/ Associate Deputy to the DCI
for the Intelligence Community

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